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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,966	04/02/2004	Yoshitsugu Morita	501558.20015	1690

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NEW YORK, NY 10022-7650

EXAMINER

FIDLER, SHELBY LEE

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,966	<b>Applicant(s)</b> MORITA, YOSHITSUGU	
	<b>Examiner</b> Shelby Fidler	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/3/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 14, 16-19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) in view of Olsen et al. (US 6158853).

#### **Regarding claim 1:**

**Wilson et al. disclose an ink package comprising:**

an ink accommodating bag (collapsible ink reservoir 114, Fig. 10) in which ink is accommodated and which is formed of a first flexible sheet (col. 4, lines 20-22);

an outer bag (outer container 1102, Fig. 10) which encloses the ink accommodating bag such that a space (unoccupied portion 1103b) is defined by and between the ink accommodating bag and the outer bag (col. 4, lines 36-39 and Fig. 10); and

an ink delivering member (chassis 1120, Fig. 8) including a fixing portion (fixing portion B, Drawing A below) to which the outer bag is fixed at an opening thereof (Fig. 10) and an extending portion (extending portion C, Drawing A) which is formed adjacent to the fixing portion so as to extend toward an inside of the outer bag in a first direction of the fixing portion (Fig. 10) and to which the ink accommodating bag is fixed at an opening thereof (col. 4, lines 3-10 and Fig. 10);

and wherein the ink delivering member further includes an ink outlet passage (ink outlet port 1110, Fig. 10) through which the ink in the ink accommodating bag is delivered to an exterior of the ink package (col. 4, lines 44-49) and a communication passage (fluid conveying conduit) through which the space is held in communication with the exterior of the ink package (col. 4, lines 40-44).

**Wilson et al. do not expressly disclose that the outer bag is formed of a flexible sheet.**

**However, Olsen et al. disclose an outer bag (outer bag 146, Fig. 4) formed of a flexible sheet (col. 2, lines 7-8).**

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize an outer bag made of a flexible sheet in Wilson et al.'s invention. The motivation for doing so, as taught by Olsen et al., is to provide a moisture and air barrier, and to protect the inner bag (col. 5, lines 3-9).

**Regarding claim 4:**

**Wilson et al. also disclose that the fixing portion has a cross sectional area larger than a cross sectional area of the extending portion, where the cross sectional areas of the fixing portion and the extending portion are taken along respective planes perpendicular to the first direction of the fixing portion (e.g. Figs. 10 and 13).**

**Regarding claim 5:**

**Wilson et al. also disclose that the fixing portion has a circular shape in cross section taken along a plane perpendicular to the first direction of the fixing portion (e.g. Figs. 10 and 13).**

**Regarding claim 6:**

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Wilson et al. also disclose that the outer bag includes a pair of walls which are opposed to each other in a second direction perpendicular to the first direction of the fixing portion (left and right-hand side walls of outer container 1102 oppose each other, Fig. 10).

**Regarding claim 14:**

Wilson et al. also disclose that the communication passage is formed on both of opposite sides of a plane of the fixing portion so as to extend in series (fluid conveying conduit communicates with air inlet 1108 on one side of the chassis 1120, and unoccupied space 1103b on the other side of the chassis 1120, Fig. 1 and col. 4, lines 40-44), the plane including a connected surface at which the pair of walls of the outer bag are connected (outer container 1102 walls connect to a surface of chassis 1120 with crimp ring 1280, Fig. 10).

**Regarding claim 16:**

Olsen et al. also disclose that each of the first and second flexible sheets is provided by a material which substantially inhibits gases or vapors from permeating therethrough (fluid-impervious and air-impervious materials, col. 4, lines 17-25).

**Regarding claim 17:**

Olsen et al. also disclose that the ink delivering member has a rigidity higher than the first and second flexible sheets (col. 3, lines 30-32 and col. 4, lines 51-66, col. 5, lines 3-24).

**Regarding claim 18:**

Wilson et al. also disclose that the ink delivering member further includes a hollow protruding portion (air inlet 1108) which protrudes from the fixing portion so as to extend in a direction away from the outer bag (Fig. 9) and which has an inner passage formed therethrough (obvious to the air inlet 1108 described in col. 4, lines 40-44), the communication passage, which is formed on the fixing portion, communicating at one of opposite ends thereof with the space

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and at the other of the opposite ends with the inner passage of the hollow protruding portion (col. 4, lines 40-44).

**Regarding claim 19:**

Wilson et al. also disclose that the fixing portion has a connecting passage (fluid conveying conduit) which connects the other of the opposite ends of the communication passage and one of opposite ends of the inner passage of the hollow cylindrical portion (col. 4, lines 40-44) which is located on the side nearer to the fixing portion (Figs. 1, 9, and 10).

**Regarding claim 21:**

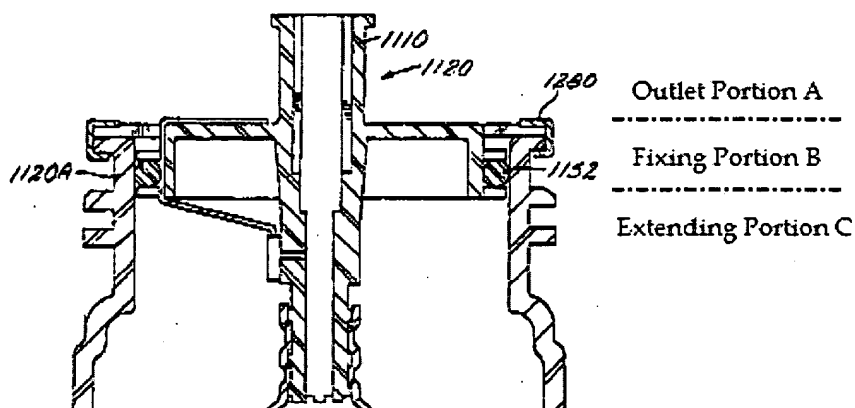
Wilson et al. also disclose that the ink delivering member further includes a cylindrical portion (output port 1110) which is formed adjacent to the fixing portion so as to extend therefrom in the direction away from the outer bag (Fig. 9), the ink outlet passage being formed through the cylindrical portion, the fixing portion, and the extending portion (col. 4, lines 44-51 and Fig. 10), one of opposite openings of the cylindrical portion which is remote from the fixing portion and one of opposite ends of the hollow protruding portion which is remote from the fixing portion being located on the same plane (Fig. 9).

**Regarding claim 22:**

Wilson et al. also disclose that the ink package is removably mounted on a main portion of an inkjet recording apparatus (col. 2, lines 57-60) which includes an inkjet printing head (col. 2, lines 46-48), an ink supply passage for supplying the ink delivered from the ink package to the inkjet printing head (col. 2, line 67 - col. 3, line 3 and Fig. 1), a positive pressure generating source (air pressure source 70, Fig. 1) for generating positively pressurized air (col. 2, lines 63-65), and a positively pressurized air delivering passage through which the positively pressurized air generated by the positive pressure generating source is delivered (col. 2, lines

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63-66 and Fig. 1), the ink package being constructed to be removably mounted on the main portion such that the ink outlet passage of the ink package is connected to the ink supply passage of the main portion while the communication passage of the ink package is connected to the positively pressurized air delivering passage (col. 2, line 57 - col. 3, line 3 and Fig. 1).



Drawing A: Figure 10, from Wilson et al. '638, edited for clarification

Claims 2, 3, 9-11, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) as modified by Olsen et al. (US 6158853), as applied to claim 1 above, and further in view of Dowell et al. (US 6508545 B2).

**Regarding claim 2:**

Wilson et al. as modified by Olsen et al. disclose all the limitations of claim 1, and Wilson et al. also disclose that the communication passage is formed at least in a state in which the outer bag is fixed to the fixing portion (Fig. 10), the fixing portion having at least one seal portion (O-ring 1152) formed on an outer surface thereof that continuously extends throughout a periphery of the fixing portion (Fig. 10).

**Wilson et al. as modified by Olsen et al.** do not expressly disclose that the communication passage includes at least a portion which extends in a direction that intersects the first direction of the fixing portion.

**However, Dowell et al.** disclose a communication passage that includes at least a portion which extends in a direction that intersects the first direction of the fixing portion (col. 5, lines 31-35 and labyrinth 46 of Fig. 6).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a communication passage with a portion that extends in multiple directions into the invention of Wilson et al. modified by Olsen et al. The motivation for doing so, as taught by Dowell et al., is to limit the loss of water vapor (col. 5, lines 33-35).

**Regarding claim 3:**

**Dowell et al.** also disclose that the ink delivering member (fluid interconnect plate 34) has at least one elongate groove (element A, Drawing B below) which is formed in the outer surface of the fixing portion (Fig. 6) and which includes at least a portion extending in the direction that intersects the first direction (Fig. 6), the elongate groove forming at least a portion of the communication passage (col. 5, lines 31-35) in the state in which the outer bag is fixed to the outer surface of the fixing portion.

**Regarding claim 9:**

**Dowell et al.** also discloses that the communication passage is in the form of a labyrinth having at least one bent portion (Fig. 6).

**Regarding claim 10:**

**Dowell et al.** also disclose that the communication passage in the form of a labyrinth includes at least two elongate grooves (e.g. elements A, C, E, and G of Drawing B) which extend



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in a direction that intersects the first direction of the fixing portion substantially at a right angle (Fig. 6) and which are connected at corresponding ones of opposite longitudinal end portions thereof by a connecting groove (e.g. element A connected at end portion to connecting groove B, Drawing B).

**Regarding claim 11:**

Dowell et al. also disclose that the communication passage in the form of the labyrinth includes at least three elongate grooves which extend in a direction intersecting the first direction of the fixing portion substantially at a right angle (e.g. elements A, C, E, and G of Drawing B), a second one of the at least three grooves (e.g. element C, Drawing B) being connected by a first connecting groove (element B), at one of longitudinal opposite end portions thereof (Drawing B) to a corresponding longitudinal end portion of a first one of the at least three grooves (element A) while the second one of the at least three grooves is connected by a second connecting groove (element D), at the other of the longitudinal opposite end portions thereof to a corresponding longitudinal end portion of a third one of the at least three grooves (element E, Drawing B).

**Regarding claim 13:**

Wilson et al. as modified by Olsen et al. disclose all the limitations of claim 6, and Wilson et al. also disclose that the plane of a fixing portion including a connected surface at which the pair of walls of the outer bag are connected (outer container 1102 walls connect to a surface of chassis 1120 with crimp ring 1280, Fig. 10).

Wilson et al. as modified by Olsen et al. do not expressly disclose that the communication passage is formed on one of opposite sides of a plane of the fixing portion.

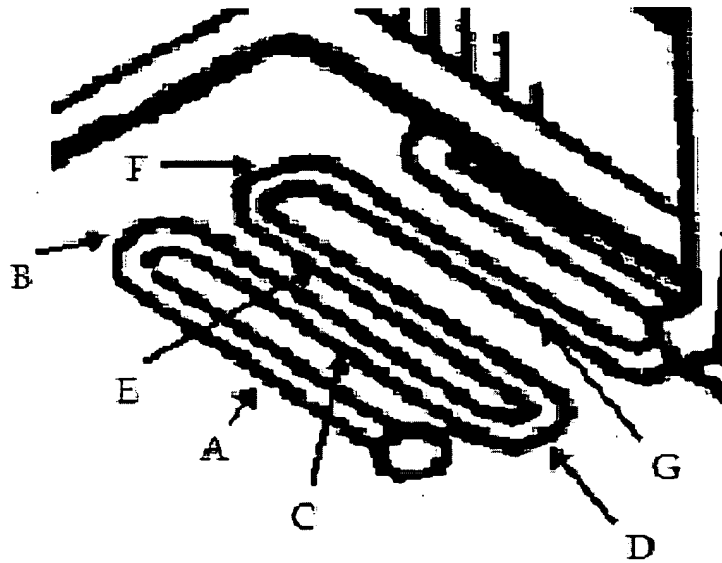
**However, Dowell et al. disclose** that the communication passage is formed on one of opposite sides of a plane of the fixing portion (formed on the underside of the plane of fluid interconnect plate 34, Fig. 6).

**Regarding claim 20:**

**Wilson et al. as modified by Olsen et al. disclose** all the limitations of claim 19, and **Wilson et al. also disclose** that the connecting passage includes a first portion which extends in the first direction of the fixing portion (obvious to the invention, since the fluid conveying conduit is the only path communicating with unoccupied portion 1103b, as per col. 4, lines 40-44, and since the air inlet 1108 is located upstream from the unoccupied portion 1103b in the first direction, as in Figs. 1 and 9).

**Wilson et al. as modified by Olsen et al. do not expressly disclose** that the connecting passage includes a second portion which extends from the first portion in a direction intersecting the first direction.

**However, Dowell et al. disclose** that the connecting passage includes a second portion (labyrinth 46) which extends from the first portion in a direction intersecting the first direction (Figs. 5 and 6).



Drawing B: Figure 6 from Dowell et al. '545, edited for clarification

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) as modified by Olsen et al. (US 6158853), as applied to claim 6 above, and further in view of Perkins et al. (US 6715864 B2).

**Regarding claim 7:**

Wilson et al. as modified by Olsen et al. disclose all the limitations of claim 6, and Wilson et al. also disclose that the fixing portion has a first dimension as measured in the first direction (obvious to chassis 1120), a second dimension as measured in the second direction (obvious to chassis 1120), and a third dimension as measured in the third direction which is perpendicular to the first direction and the second direction (obvious to chassis 1120).

Wilson et al. as modified by Olsen et al. do not expressly disclose that the third dimension being larger than the first dimension and the second dimension.

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However, Perkins et al. disclose a fixing portion (fitting 18, Figs 2 and 3) wherein the third dimension being larger than the first dimension and the second dimension (Fig. 2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Perkins et al.'s fixing portion in the invention of Wilson et al. as modified by Olsen et al. The motivation for doing so, as taught by Perkins et al., is to provide a leak-proof seal between the bag and the fitting (col. 2, lines 36-40).

**Regarding claim 8:**

Perkins et al. also disclose that the second dimension of the fixing portion gradually decreases toward opposite ends thereof in the third direction (Fig. 2).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) as modified by Olsen et al. (US 6158853) and Dowell et al. (US 6508545 B2), as applied to claim 9 above, and further in view of Perkins et al. (US 6715864 B2).

**Regarding claim 12:**

Wilson et al. as modified by Olsen et al. and Dowell et al. disclose all claimed limitations except that the fixing portion includes a plurality of elongate ribs formed on the outer surface thereof and at least one groove, each of which is located between adjacent two of the plurality of elongate ribs, at least one of the plurality of elongate ribs being formed with an elongate cutout such that the elongate cutout extends in a longitudinal direction of the at least one of the plurality of elongate ribs, and with two grooves extending from longitudinal opposite ends of the elongate cutout to one and the other of opposite side surfaces of the at least one of the plurality of elongate ribs, respectively.

However, Perkins et al. disclose that the fixing portion includes a plurality of elongate ribs formed on the outer surface thereof (ribs 28, Fig. 2) and at least one groove (the section between ribs 28, Fig. 2), each of which is located between adjacent two of the plurality of elongate ribs (Fig. 2), at least one of the plurality of elongate ribs being formed with an elongate cutout such that the elongate cutout extends in a longitudinal direction of the at least one of the plurality of elongate ribs (Fig. 2), and with two grooves extending from longitudinal opposite ends of the elongate cutout to one and the other of opposite side surfaces of the at least one of the plurality of elongate ribs, respectively (ribs 28 extend across the length of the fitting 18, Fig. 2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Perkins et al.'s fixing portion in the invention of Wilson et al. as modified by Olsen et al. and Dowell et al. The motivation for doing so, as taught by Perkins et al., is to provide a leak-proof seal between the bag and the fitting (col. 2, lines 36-40).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) as modified by Olsen et al. (US 6158853), as applied to claim 1 above, and further in view of Presnick (US 3730240).

**Regarding claim 15:**

Wilson et al. as modified by Olsen et al. disclose all claimed limitations except that the space is in a state upon shipment of the ink package, in which the space is evacuated to a reduced pressure, the ink package further comprising a sealing member which is removably provided so as to close the communication passage.

However, Presnick discloses a space in a state upon shipment of the ink package, in which the space is evacuated to a reduced pressure (col. 2, lines 35-38), the ink package further comprising a sealing member (stopper member 15', Fig. 1) which is removably provided so as to close the communication passage (col. 2, lines 41-44)

At the time of invention, it would have been obvious to a person of ordinary skill in the art to evacuate the space to a reduced pressure upon shipment in the invention of Wilson et al. as modified by Olsen et al. The motivation for doing so, as taught by Presnick, is to utilize the insulating characteristics of dead air spaces (col. 1, lines 12-16).

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (US 6435638 B1) in view of Olsen et al. (US 6158853) and Presnick (US 3730240).

**Regarding claim 23:**

**Wilson et al. disclose an ink package comprising:**

an ink accommodating bag (collapsible ink reservoir 114, Fig. 10) in which ink is accommodated and which is formed of a first flexible sheet (col. 4, lines 20-22);

an outer bag (outer container 1102, Fig. 10) which encloses the ink accommodating bag such that a space (unoccupied portion 1103b) is defined by and between the ink accommodating bag and the outer bag (col. 4, lines 36-39 and Fig. 10); and

an ink delivering member (chassis 1120, Fig. 8) including a fixing portion (fixing portion B, Drawing A below) to which the outer bag is fixed at an opening thereof (Fig. 10) and an extending portion (extending portion C, Drawing A) which is formed adjacent to the fixing portion so as to extend toward an inside of the outer bag in a first direction of the fixing portion

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(Fig. 10) and to which the ink accommodating bag is fixed at an opening thereof (col. 4, lines 3-10 and Fig. 10);

and wherein the ink delivering member further includes an ink outlet passage (ink outlet port 1110, Fig. 10) through which the ink in the ink accommodating bag is delivered to an exterior of the ink package (col. 4, lines 44-49).

**Wilson et al. do not expressly disclose** that the outer bag is formed of a flexible sheet.

**However, Olsen et al. disclose** an outer bag (outer bag 146, Fig. 4) is formed of a flexible sheet (col. 2, lines 7-8).

**Wilson et al. as modified by Olsen et al. do not expressly disclose** that the space is in a state, upon shipment of the ink package, in which the space is evacuated to a reduced pressure.

**However, Presnick discloses** a space in a state, upon shipment of the ink package, in which the space is evacuated to a reduced pressure (col. 2, lines 35-38).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize an outer bag formed of a flexible sheet into Wilson et al.'s invention. The motivation for doing so, as taught by Olsen et al., is to provide a moisture and air barrier, and to protect the inner bag (col. 5, lines 3-9). It would have been further obvious to evacuate the space to a reduced pressure upon shipment of the ink package in Wilson et al.'s invention. The motivation for doing so, as taught by Presnick, is to utilize the insulating characteristics of dead air spaces (col. 1, lines 12-16).

**Regarding claim 24:**

**Olsen et al. also disclose** that the ink delivering member has a rigidity higher than the first and second flexible sheets (col. 3, lines 30-32 and col. 4, lines 51-66, col. 5, lines 3-24).

*Response to Arguments*

Applicant's arguments filed 9/22/2006 have been fully considered but they are not persuasive. In response to applicant's argument that the combination of Wilson and Olsen would destroy the leak proof feature of Olsen, please note that the Olsen reference teaches that the inner bag is a fluid-impervious material (col. 4, lines 17-21) and that the outer bag is an air-impervious material (col. 4, lines 21-25). The Olsen reference does disclose that the inner and the outer bag are sealed to produce a leak-proof and impact-resistant containment of ink (col. 4, lines 33-38). However, Olsen clearly teaches that the leak-proof feature is provided by the inner bag's material (col. 4, lines 51-66) in combination with a surrounding outer bag (col. 5, lines 60-63), while the impact-resistant feature is provided by the outer bag (col. 5, lines 3-19). Therefore, to say that the bond between inner bag and the outer bag is the structure that produces a leak proof feature is incorrect. Rather, Olsen teaches that the inner bag's material, in combination with a surrounding outer bag, provides a leak proof feature.

In response to applicant's argument that the combination of Wilson and Olsen would destroy the accuracy of Wilson's pressure sensor, Examiner recognizes that the claimed invention does not include a pressure sensor, and thus all the structural limitations of the claims have been met by the combination of Wilson as modified by Olsen.

In response to applicant's argument that the modification of Olsen's flexible bag into Wilson's invention would not allow for the attachment of caps, or insertion into an ink container, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is



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what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Examiner would also like to note that Olsen's rigid outer shell is for handling, etc. and is preferably removable (col. 3, lines 30-32).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the language "reduced pressure" refers to pressure that is lower than atmospheric pressure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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*Communication with the USPTO*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Shelby L. Fidler* 11/30/06

Shelby Fidler  
Patent Examiner  
AU 2861

*MSH* 12/6/06  
MANISH S. SHAH  
PRIMARY EXAMINER